

  
05-CV-00388-RPLY1 Honorable Thomas S. Zilly  
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23UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTONST. PAUL FIRE AND MARINE  
INSURANCE COMPANY, a Minnesota  
corporation and ST. PAUL GUARDIAN  
INSURANCE COMPANY, a Minnesota  
corporation

NO. C05-0388TJZ

**STIPULATION FOR AND  
ORDER MODIFYING CERTAIN  
PRETRIAL EVENTS**

Plaintiff,

v.

HEBERT CONSTRUCTION, INC., a  
corporation; MEADOW VALLEY, LLC, a  
Washington limited liability company;  
ROGER and SHELLY HEBERT,  
individually and the marital community  
thereof; HENRY and KAREN HEBERT,  
individually and the marital community  
thereof; ANDRZEJ and ROMA LAWSKI,  
individually and marital community thereof;  
JAMES and ANNE KOSSERT, individually  
and the marital community thereof; and  
ADMIRAL INSURANCE COMPANY, a  
Delaware corporation

Defendant.

**STIPULATION**The parties hereby stipulate, and jointly request that the court extend the  
following pretrial deadlines.STIPULATION FOR AND ORDER MODIFYING CERTAIN  
PRETRIAL EVENTS C05-0388TJZ-1

10003-028964 76772

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Event	Current Deadline	Proposed Deadline
Initial (Non-Rebuttal) Expert Disclosures	March 22, 2006	May 1, 2006
Discovery Cutoff (as to expert depositions only)	May 22, 2006	June 19, 2006

In support of these requested extensions, the parties advise the court as follows:

1. The trial date is September 18, 2006.
2. The cutoff for filing dispositive motions is June 20, 2006.
3. The parties have agreed on Joel Salmi, an attorney with expertise in insurance coverage matters, as mediator. Mediation is set for April 6, 2006.
4. Plaintiffs and Defendants have engaged in two meaningful face-to-face meetings regarding settlement, and expect to exchange additional information regarding their respective positions prior to mediation.
5. Because this insurance coverage case arises from an underlying case that settled shortly before trial, significant investigation and discovery conducted in the underlying case is helpful to the current case. The parties have identified the lay witnesses or categories of witnesses whose depositions will be necessary if the case does not settle at mediation. The period of time between mediation and the discovery cutoff is sufficient for completion of those depositions.

6. The parties wish to defer the expense of consulting with experts in order to prepare expert disclosures, in order to facilitate mediation. If the case does not settle at mediation, the proposed extensions of the deadline to submit expert disclosures and complete depositions of any experts are sufficient.

STIPULATION FOR AND ORDER MODIFYING CERTAIN PRETRIAL EVENTS C05-0388TJZ-2

10383-026864 76772

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1       7. If the case does not settle at mediation and the parties file dispositive  
2 motions, delaying completion of expert discovery would not impact the normal timetable  
3 for completing summary judgment briefing (i.e., the parties do not expect the need to  
4 request continuances under Rule 56(f) to obtain deposition testimony in opposition to a  
5 summary judgment motion).

## ORDER

7 Based upon the stipulation the parties, and good cause appearing, it is so  
8 ordered.

9 DATED this 20<sup>th</sup> day of March, 2006.

Honorable Thomas S. Zilly  
U.S. District Judge

14 || Stipulated To and Prepared By:

15 || STAFFORD FREY COOPER

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**STIPULATION FOR AND ORDER MODIFYING CERTAIN  
PRETRIAL EVENTS C05-0388TJZ - 3**

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1 Stipulated To and Approved For Entry:

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STIPULATION FOR AND ORDER MODIFYING CERTAIN  
PRETRIAL EVENTS C05-0388TJZ-4

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**Certificate of Service**

I hereby certify that I electronically filed copy of this document entitled STIPULATION FOR  
AND ORDER MODIFYING CERTAIN PRETRIAL EVENTS with the Clerk of the Court using the  
CM/ECF system, which will send notification of such filing to the following individuals:

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**STIPULATION FOR AND ORDER MODIFYING CERTAIN  
PRETRIAL EVENTS C05-0388TJZ - 5**

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